

AMENDED IN ASSEMBLY MARCH 29, 2005

CALIFORNIA LEGISLATURE—2005—06 REGULAR SESSION

ASSEMBLY BILL

No. 1088

Introduced by Assembly Member Oropeza

February 22, 2005

An act to add Section 67385.7 to the Education Code, relating to public postsecondary education.

LEGISLATIVE COUNSEL'S DIGEST

AB 1088, as amended, Oropeza. Public postsecondary education: mandatory orientation for incoming students.

(1) Existing law, the Donahoe Higher Education Act, sets forth, among other things, the missions and functions of California's public and independent segments of higher education, and their respective institutions of higher education. Among other things, the act requires the governing board of each community college district, the Trustees of the California State University, the Regents of the University of California, to the extent the regents make the act applicable, and the governing board of independent postsecondary institutions, as defined, to adopt rules requiring each of their respective campuses to enter into written agreements with local law enforcement agencies that clarify operational responsibilities for investigations of Part I violent crimes, as defined, occurring on each campus.

The act also requires the governing board of each community college district, the Trustees of the California State University, the Board of Directors of the Hastings College of the Law, and the Regents of the University of California, to the extent the regents make the act applicable, to each adopt, and implement at each of their campuses or other facilities, a written procedure or protocols to ensure, to the fullest extent possible, that students, faculty, and staff

who are victims of sexual assault, as defined, committed at or upon grounds of, or upon off-campus grounds or facilities maintained by the institution, or upon grounds or facilities maintained by affiliated student organizations, receive treatment and information.

This bill would express ~~the intent~~ *findings and declarations* of the Legislature to, ~~among other things, establish a mandatory prevention and education program about violence against women for all incoming students of the California Community Colleges, the California State University, and the University of California, working in collaboration with campus and community-based victim advocacy organizations with respect to the incidence of sexual assault on college and university campuses.~~

The bill would require ~~each campus~~ *the Board of Governors of the California Community Colleges and the Trustees of the California State University, and request each campus the Regents of the University of California, to include prescribed data about crimes involving violence against women in a mandatory prevention and education program for all incoming students in collaboration with campus and community-based victim advocacy organizations, to provide, as part of established campus orientations, educational and preventive information about sexual violence to all incoming students at all campuses of their respective segments. With respect to campuses without existing orientation programs, the bill would require the provision of written material providing educational and preventive information about sexual violence to all incoming students.* To the extent that these requirements would impose new duties on community college districts, the bill would constitute a state-mandated local program.

The bill would require the Board of Governors of the California Community Colleges and the Trustees of the California State University, and would request the Regents of the University of California, to develop and adopt regulations setting forth procedures for the implementation of the bill by campuses in their respective segments.

(2) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state,

reimbursement for those costs shall be made pursuant to these statutory provisions.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: yes.

The people of the State of California do enact as follows:

1 ~~SECTION 1. Section 67385.7 is added to the Education~~
2 ~~Code, to read:~~

3 ~~SECTION. 1 The Legislature finds and declares all of the~~
4 ~~following:~~

5 ~~(a) Women on American college campuses who are from 18 to~~
6 ~~24 years old are at greater risk for becoming victims of sexual~~
7 ~~assault, domestic violence, and stalking than women in the~~
8 ~~general population or women in a comparable age group.~~
9 ~~Research over the past 20 years has consistently estimated the~~
10 ~~rate of sexual assault among women who are in the age group~~
11 ~~traditionally considered to be college-aged as one in four.~~

12 ~~(b) Studies have consistently shown that sexual assault~~
13 ~~primarily affects women and youth, and that most perpetrators~~
14 ~~are friends, acquaintances, or someone else who is known by the~~
15 ~~victim:~~

16 ~~(1) In 1994, the Ms. Report on Recognizing, Fighting and~~
17 ~~Surviving Date and Acquaintance Rape demonstrated that one in~~
18 ~~four college women had been the victim of a completed or~~
19 ~~attempted rape, and that, in 84 percent of the attacks, the victim~~
20 ~~knew the perpetrator.~~

21 ~~(2) The National Violence Against Women Survey of 1998~~
22 ~~demonstrated that 83 percent of rape victims were less than 25~~
23 ~~years old when they were assaulted.~~

24 ~~(3) In 2000, the Sexual Victimization of College Women survey~~
25 ~~estimated that colleges with 10,000 students could expect more~~
26 ~~than 350 rapes per year to occur on that campus.~~

27 ~~(4) Additionally, half of all stalking victims are between the~~
28 ~~ages of 18 and 29, and women between the ages of 16 and 24~~
29 ~~experience the highest rate of domestic violence victimization.~~

30 ~~(c) While sexual assault primarily affects young women, they~~
31 ~~are not the only targets. Men, individuals with disabilities,~~
32 ~~members of cultural and religious minority groups, and~~

1 *lesbian/gay/transgendered individuals also experience sexual*
2 *assault.*

3 *(d) Sexual assault is a critical issue for all college and*
4 *university campuses. Even though many campuses officially*
5 *report zero sexual assault, it is known to be an historically*
6 *underreported crime. Thus, crime reports alone cannot provide*
7 *the basis for determining the extent of the problem on any given*
8 *campus.*

9 *(e) Given the prevalence of the perpetration of sexual violence*
10 *against college women, it is essential that institutions of higher*
11 *education establish comprehensive victim services programs and*
12 *preventive education programs.*

13 *(f) Institutions of higher education can best serve members of*
14 *their communities by ensuring access to appropriate services and*
15 *creating an environment that is intolerant of sexual assault.*

16 *SEC. 2. Section 67385.7 is added to the Education Code, to*
17 *read:*

18 *67385.7. (a) The Board of Governors of the California*
19 *Community Colleges and the Trustees of the California State*
20 *University shall, and the Regents of the University of California*
21 *are requested to, in collaboration with campus and*
22 *community-based victim advocacy organizations, provide, as*
23 *part of established campus orientations, educational and*
24 *preventive information about sexual violence to all incoming*
25 *students at all campuses of their respective segments. For those*
26 *campuses with existing orientation programs, this information*
27 *shall be provided during the regular orientation for incoming*
28 *students. Campuses without existing orientation programs shall*
29 *provide written material providing educational and preventive*
30 *information about sexual violence to all incoming students.*

31 *(b) The educational and preventive information provided*
32 *pursuant to this section shall include, but not necessarily be*
33 *limited to, all of the following:*

34 *(1) Dating violence, rape, sexual assault, domestic violence,*
35 *and stalking crimes, including information on how to file internal*
36 *administrative complaints with the institution of higher education*
37 *and how to file criminal charges with local law enforcement*
38 *officials.*

39 *(2) Common facts and myths about the causes of sexual*
40 *violence.*

1 (3) *The availability of, and contact information for, campus*
2 *and community resources for students who are victims of sexual*
3 *violence.*

4 (4) *Methods of encouraging peer support for victims and the*
5 *imposition of sanctions on offenders.*

6 (5) *Information regarding campus, criminal, and civil*
7 *consequences of committing acts of sexual violence.*

8 (c) *Campuses of the California Community Colleges and the*
9 *California State University shall, and campuses of the University*
10 *of California are requested to, develop policies to encourage*
11 *students to report any campus crimes involving sexual violence*
12 *to the appropriate campus authorities.*

13 (d) *Campuses are urged to adopt policies regarding campus*
14 *measures to eliminate barriers for victims who come forward to*
15 *report sexual assaults, and to advise students regarding these*
16 *policies. These policies may include, but are not necessarily*
17 *limited to, exempting the victim from campus sanctions for being*
18 *in violation of any campus policies, including alcohol or*
19 *substance abuse policies or other policies of the campus, at the*
20 *time of the incident.*

21 (e) *The Board of Governors of the California Community*
22 *Colleges and the Trustees of the California State University*
23 *shall, and the Regents of the University of California are*
24 *requested to, develop and adopt regulations setting forth*
25 *procedures for the implementation of this section by campuses in*
26 *their respective segments.*

27 SEC. 3. *If the Commission on State Mandates determines that*
28 *this act contains costs mandated by the state, reimbursement to*
29 *local agencies and school districts for those costs shall be made*
30 *pursuant to Part 7 (commencing with Section 17500) of Division*
31 *4 of Title 2 of the Government Code.*

32 ~~67385.7. (a) It is the intent of the Legislature to accomplish~~
33 ~~both of the following:~~

34 ~~(1) To establish a mandatory prevention and education~~
35 ~~program about violence against women for all incoming students~~
36 ~~of the California Community Colleges, the California State~~
37 ~~University, and the University of California, working in~~
38 ~~collaboration with campus and community-based victim~~
39 ~~advocacy organizations.~~

~~(2) To urge campuses to consider establishing policies, and advising students, to the effect that alleged victims who come forward to report that they have been victimized will not be penalized if they violated the alcohol or substance abuse policies of the campus, or any other policies of the campus, during the violent incident.~~

~~(3) To urge campuses to develop innovative policies to generally encourage the reporting of campus crimes involving violence against women.~~

~~(b) Each campus of the California Community Colleges and the California State University shall, and each campus of the University of California is requested to, establish a mandatory prevention and education program for all incoming students about violence against women. This program shall include, but shall not necessarily be limited to, information about all of the following:~~

~~(1) Domestic violence, dating violence, sexual assault, and stalking crimes, including how to file internal administrative complaints with the institution and criminal charges with local law enforcement officials.~~

~~(2) Common myths about the causes of violence against women.~~

~~(3) The availability of resources for women who are victims of violence.~~

~~(4) How to encourage peer support for victims and the imposition of sanctions on offenders.~~

~~(c) The Board of Governors of the California Community Colleges and the Trustees of the California State University shall, and the Regents of the University of California are requested to, develop and adopt regulations setting forth procedures for the implementation of this section by campuses in their respective segments.~~

~~SEC. 2. If the Commission on State Mandates determines that this act contains costs mandated by the state, reimbursement to local agencies and school districts for those costs shall be made pursuant to Part 7 (commencing with Section 17500) of Division 4 of Title 2 of the Government Code.~~